

**250-RICR-40-05-7**

## **TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

### **CHAPTER 40 - AGRICULTURE AND RESOURCE MARKETING**

#### **SUBCHAPTER 05 - ANIMAL HEALTH**

**PART 7 - Rules and Regulations Governing the Identification of Sheep and Goats**

#### **7.1 Purpose**

The purpose of these Rules and Regulations is to ensure that all sheep and goats moving interstate or intrastate, or those residing within the state be identified by a USDA accepted, permanent, official identification prior to any change of ownership or movement off a premises or farm, and that records of this official identification be made available to federal and state health officials upon request. This mandatory identification is required in order to safeguard the public health, animal health and the livestock industry from disease and illness associated with sheep and goats, and to maintain official "State Scrapie Consistent Status" as defined in 9 C.F.R. §§ 54 and 79.

#### **7.2 Authority**

These Rules and Regulations are promulgated pursuant to R.I. Gen. Laws Chapter 42-17.1; Chapter 42-17.6; Chapter 4-4; and Chapter 42-35.

#### **7.3 Administrative Findings**

The National Scrapie Eradication Initiative requires that all sheep and goats be officially identified prior to leaving a premises or changing ownership. The implementation of a national animal identification program for sheep and goats will make it more efficient to trace-back the outbreak of disease in an individual animal or group of animals to the original premises, flock or herd for the purpose of protecting animal health and to reduce the threat of global animal disease. This animal identification system will also make it more efficient to conduct a trace-back of exposed animals that were previously moved out of that premises, flock or herd. Livestock health officials will then be able to more rapidly isolate the disease and prevent the spread of disease.

#### **7.4 Application**

The terms and provisions of these Rules and Regulations shall be liberally construed to permit the Department to effectuate the purpose of all applicable federal and state law.

## 7.5 Definitions

- A. "Accredited veterinarian" means a veterinarian approved by the Administrator of APHIS, in accordance with 9 C.F.R. § 161 to perform functions required by State and Federal animal disease-control and eradication programs;
- B. "Administrator" means the administrator of APHIS, or any other employee authorized to act for or on behalf of the Administrator;
- C. "Animal" means any sheep or goat;
- D. "APHIS" means the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture;
- E. "Board" means the State Scrapie Certification Board;
- F. "Breed associations" or "registries" means organizations which maintain the permanent records of ancestry or pedigrees of animals (including the animal's sire and dam), individual identification of animals, and ownership of animals;
- G. "Certificate" means an official document issued in accordance with 9 C.F.R. § 79.5 by an APHIS representative, State representative, or accredited veterinarian at the point of origin of an interstate movement of animals;
- H. "Commingling" or "Commingle" or "Commingled" means animals grouped together and having physical contact with each other, including contact through a fence, but not limited contacts. Commingling also includes sharing the same section in a transportation unit where there is physical contact;
- I. "Director" means the Director of the Department of Environmental Management of the State of Rhode Island, or his or her duly authorized representative;
- J. "Electronic implant" means any radio frequency identification implant device approved for use in the Scrapie Program by the Administrator. The Administrator will approve an electronic implant after determining that it is tamper resistant, not harmful to the animal, and readable by equipment available to APHIS and State representatives;
- K. "Flock" or "Herd" means all animals maintained on a premises that are commingled and all animals under common ownership or supervision on two or more premises with animal interchange between the premises. Two flocks may be maintained on a single premises provided they:
  - 1. Are kept at least 30 feet apart by a double fence at all times while on the premises;
  - 2. Have flock records and identification that are separate;

3. Have separate lambing or kidding facilities, including buildings and pastures (e.g., if lambing or kidding occurs on a pasture-type situation, the pasture used for lambing or kidding by one flock may not be used by the other flock at any time); and,
  4. Do not share equipment between the flocks without prior cleaning and sanitation;
- L. “Flock plan” means a written flock management agreement signed by the owner of a flock, the accredited veterinarian, if one is employed by the owner, and a State or APHIS representative in which each participant agrees to undertake actions specified in the flock plan to control the spread of scrapie from, and eradicate scrapie in, an infected flock or source flock or to reduce the risk of the occurrence of scrapie in a flock that contains a high-risk or exposed animal. As part of a flock plan, the flock owner must provide the facilities and personnel needed to carry out the requirements of the flock plan. The Flock Plan must comply with all of the requirements of 9 C.F.R. § 54.8;
- M. “Flock of origin” means the flock in which an animal most recently resided in which it was either born, gave birth, or was used for breeding purposes. The determination of an animal’s flock of origin may be based either on the physical presence of the animal in the flock, the presence of official identification on the animal traceable to the flock, the presence of other identification on the animal that is listed on the bill of sale, or other evidence, such as registry records;
- N. “National animal identification system” or “NAIS” means a national program implemented by the United States Department of Agriculture intended to identify and register all premises associated with the animal agriculture industry and/or to identify all animals and poultry and track them as they come into contact with, or commingle with, animals other than herd-mates or flock-mates from their premises of origin over the course of their lifespan;
- O. “Official identification” means a unique, permanent, secure, traceable individual identification, approved by the Board and by APHIS for use in the Scrapie Eradication Program. The following types of identification are approved for the Voluntary Scrapie Flock Certification Program:
1. Tamper-resistant ear tag approved by APHIS for use in the Voluntary Scrapie Flock Certification Program,
  2. Flank or ear tattoo (or, in the case of goats registered with the American Dairy Goat Association, tail web tattoo), and,
  3. Electronic identification.
- P. “Owner” means an individual, partnership, company, corporation or other legal entity that has legal or rightful title a flock or herd of animals, regardless of any liens held on the animals or flocks or herds of origin.

- Q. "Premises" means the ground, area, buildings, and equipment occupied by one or more flocks or herds of animals.
- R. "Restricted movement feeder animal" means an animal that is less than 18 months of age as evidenced by the eruption of the second incisor, is not pregnant, has never given birth or aborted, is not commingled with breeding animals from other flocks, and will be slaughtered at less than 18 months of age.
- S. "Restricted movement certificate" means a board-approved form which accompanies a restricted movement feeder animal that does not have official identification when moved from one premises to another, and which restricts the animal to slaughter channels.
- T. "Scrapie" means a non-febrile, transmissible, insidious degenerative disease affecting the central nervous system of sheep and goats. Scrapie, a transmissible spongiform encephalopathy, may cause, but is not limited to causing, the following signs in affected animals:
1. Weight loss despite retention of appetite
  2. Behavioral abnormalities
  3. Pruritis (itching)
  4. Wool pulling
  5. Biting at legs or side
  6. Lip smacking
  7. Motor abnormalities, such as incoordination
  8. High-stepping gate of forelimbs
  9. Bunny-hop movement of rear legs
  10. Blindness
  11. Swaying of back end
  12. Increases sensitivity to noise and sudden movement
  13. Tremor
  14. "Star gazing"
  15. Head pressing
  16. Recumbency

17. It is important to note that not all scrapie-affected animals show all clinical signs;
- U. “Slaughter channel” means any animal that is sold, transferred, or moved either directly to a slaughter facility, to an individual for custom slaughter, or for feeding for the express purpose of improving the animals’ condition for movement to slaughter. Any sexually intact animal that is commingled with breeding animals or that has been bred is not in slaughter channels. When selling animals for slaughter, owners should note on the bill of sale that the animals are sold only for slaughter;
- V. “Scrapie flock certification program” means the cooperative Federal-State industry voluntary program for the control of scrapie, conducted in accordance with 9 C.F.R. § 54(B) to:
1. Reduce the occurrence and spread of scrapie;
  2. Identify flocks that have been free of evidence of scrapie over specified time periods; and,
  3. Contribute to the eventual eradication of scrapie.
- W. “State veterinarian” means a veterinarian licensed by the State of Rhode Island and employed the Rhode Island Department of Environmental Management.

## **7.6 Importation**

- A. Official Identification Required. Before leaving a premises to be shipped into or out of the State of Rhode Island, or after a change in ownership, all animals shall be identified with official identification pursuant to 9 C.F.R. §§ 54 and 79 and these regulations.
- B. Certificate of Veterinary Inspection Required. All animals imported into the State of Rhode Island must be accompanied by a certificate of veterinary inspection which displays the official identification of the animal, and which was issued by an accredited veterinarian.
- C. Certain Imports Prohibited. No animal that is currently designated as scrapie positive, suspect, or high-risk, or that is from a flock that is currently designated as a scrapie source, exposed, infected, or noncompliant flock as defined in 9 C.F.R. § 79.1 may be imported into the State of Rhode Island. Nothing in this section shall prevent the movement of animals for which state importation is prohibited from moving interstate, provided they are being moved interstate for destruction or research as approved by the Administrator.

## **7.7 Scrapie Eradication Requirements**

- A. Flock Plan. The State of Rhode Island Scrapie Eradication Program is governed by 9 C.F.R. § 54 and 79. All owners are required to file a flock plan with the Director pursuant to and in accordance with 9 C.F.R. § 54.8.
- B. Disease Reporting. Any person who knows or reasonable suspects that a flock or individual animal is infected with scrapie must report that knowledge or suspicion to the board immediately.
- C. Registration. Any person who buys or sells animals in the State of Rhode Island must register their flocks or individual animals with the Board.

## **7.8 Identification**

- A. Animals Requiring Official Identification. All animals require official identification prior to being moved into or out of the State of Rhode Island, prior to being commingled with animals from other flocks, and after a change in ownership of a flock or individual animal.
  - 1. Official identification must meet the following criteria:
    - a. Permanence;
    - b. Security;
    - c. Assignment of a unique number from a central repository;
    - d. Traceability, for which the owner is responsible.
  - 2. Official identification must be through one of the following program-approved means:
    - a. Official tamper-resistant ear tag
      - (1) Approved by APHIS for use in a Scrapie Eradication Program;
      - (2) Approved for use in animals taking part in a Scrapie Flock Certification Program.
    - b. Official USDA Back Tag
      - Used on animals going directly to slaughter only.
    - c. Tattoos

- (1) Applied at flank or ear (or in the case of goats registered with the American Dairy Goat Association, at the tail web);
- (2) Approved for use in animals participating in a Scrapie Flock Certification Program;
- (3) Approved by APHIS in the Scrapie Eradication Program;
- (4) Recorded in an animal registry association record book, when the animal is accompanied by a certificate of registration from the association or an owner custody statement.

d. Electronic Identification Implants

- (1) Approved for use in animals participating in a Scrapie Flock Certification Program and when accompanied by a certificate of veterinary inspection or an owner statement that includes the chip manufacturer and chip numbers.
- (2) Approved for use in animals with a national breed registry association and the electronic ID implant number is recorded by the registry on the registration certificate accompanying that animal.
- (3) The animal must be accompanied by an implant reader capable of reading the electronic implant in that animal.

B. Animals Not Requiring Official Identification. A restricted movement feeder animal that has not been designated as scrapie positive, suspect, high-risk, or exposed as defined in 9 C.F.R. § 79.1 may be moved without official identification pursuant to 9 C.F.R. § 79.3), provided that the animal is moved to:

1. A state-approved livestock market that has an official veterinarian and restricts the sale of unidentified animals to slaughter channels in a manner approved by the board; or,
2. A slaughtering establishment, either directly or through market channels; or,
3. A terminal feedlot, either directly or through market channels, when accompanied by a restricted movement certificate.

C. Application of Official Identification.

1. Owners are responsible for applying official identification.

2. For premises identification, the two-letter state abbreviation followed by three numbers ranging from 001 to 999 should be initiated and maintained at the USDA, APHIS, VS, and area office in a State. For example, participating premises in the State of Rhode Island will be identified as RI 001, RI 002, etc., to RI 999. If additional codes are needed, States can use an alphabetical identification system (e.g. AAA, AAB, A01, A02, etc.).
3. Users of Electronic Identification shall:
  - a. Place the implant above or dorsal to the auricular cartilage; and,
  - b. Provide an identification certificate when selling electronically identified animals. This certificate must state:
    - (1) The animal's date of birth, sex, breed, registration name and number;
    - (2) The electronic identification number and any secondary identification assigned to the animal; and,
    - (3) The breeder's name and street address, including city and state, or township, county and state, and telephone number.
4. The buyer of an animal with electronic identification shall keep the electronic identification certificate with the animal's records to document receiving electronic identification.
5. Users of ear or flank tattoos shall:
  - a. Use two separate tattoos:
    - (1) A five (5) character, alphanumeric premises code assigned by APHIS, as explained above, and,
    - (2) A legible unique animal number.
  - b. Apply the premises code in the right ear and individual animal number in the left ear, or place both numbers in each ear, or place both numbers on the right flank in the wool-free area;
  - c. Animals with breed or registry tattoos require only a premises code tattoo in the right ear or on the right flank. American Dairy Goat Association registration tattoos that have a unique premises ID number may use the registered premises ID in place of a State code.
  - d. In the case of goats registered with the American Dairy Goat Association, the tattoo may be placed on the tail web.



- D. Removal of official identification. No person may tamper with or remove any official identification without prior written permission from the Board.
- E. Removal of animals from slaughter channels. No animal that has been sold, moved or transferred into slaughter channels, including an animal in a terminal feedlot, may be removed from slaughter channels. No animal may be removed from slaughtering establishments, or yards immediately contiguous to slaughtering establishments, without first obtaining authorization from a State Veterinarian or an APHIS representative.

## **7.9 Record Keeping Requirements**

- A. If the person assigned numbers by APHIS for ear tags, back tags, tattoos, or electronic implants is a flock or herd owner, so that the numbers are directly linked to the National Scrapie Database, that person must maintain the following records:
  - 1. Premises identification number or serial numbers;
  - 2. Number of animals identified;
  - 3. Date of identification of animals; and,
  - 4. Name, street address including city and state or township, county and state, and telephone number for the flock of origin, if different from the current flock.
- B. If the person applying numbers assigned by APHIS is a veterinarian, animal dealer, extension agent, or other person other than the owner of the flock of origin, that person must maintain the following records:
  - 1. All serial numbers applied to the animal;
  - 2. Any other serial numbers and/or approved identification appearing on the animal, including manufacturer, type, and color of all other official tags;
  - 3. Date that identification was applied;
  - 4. The street address, including the city and state, or the township, county, and state of the premises where the approved ID was applied; and,
  - 5. The name, street address, including city and state, or township, county and state, and the telephone number of the owner of the flock of origin, or, if different, the person who owns or possesses the animals.
- C. In addition to §§ 7.9(A) and 7.9(B) of this Part, persons who purchase or otherwise acquire an animal or animals must maintain the following records:

1. Date of purchase or acquisition;
  2. Name and street address, including city and state, or township, county and state, of the person from whom the animal(s) were purchased or acquired;
  3. Species, breed, and class of the animal(s);
  4. Number of animal(s) purchased or acquired; and,
  5. Certificate of veterinary inspection.
- D. In addition to §§ 7.9(A) and 7.9(B) of this Part, persons who sell or otherwise dispose of an animal or animals must maintain the following records:
1. Date of sale or disposition;
  2. Name and street address, including city and state, or township, county and state, of the buyer or person who acquired the animal(s);
  3. Species, breed, and class of the animal(s);
  4. Number of animal(s) sold or disposed of;
  5. Certificate of veterinary inspection, where applicable; and,
  6. Official identification number of any animal sold for breeding purposes.
- E. All records described herein must be maintained for a period of at least five (5) years and shall be made available for inspection and/or copying by authorized Federal and/or State officials during any reasonable hours or by mutually agreed upon times.

## **7.10 Severability**

If any provision of these Rules and Regulations, or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

## **7.11 Superseded Rules and Regulations**

On the effective date of these Rules and Regulations, all previous Rules and Regulations, and any policies regarding the administration and enforcement of Rules and Regulations Governing the Identification of Sheep and Goats shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time of the enforcement was taken, or application filed.

## **7.12 Violations**

The Director of the Department of Environmental Management may make all necessary regulations for the prevention, treatment, cure and extirpation of such disease; and every person who shall fail to comply with any regulation so made shall be guilty of a misdemeanor.